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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------------|---------------------|------------------|
| 09/656,440 | 09/06/2000 | Katsuaki Tajima | 48864-030 | 9740 |
| 7590 01/24/2005 | | | | |
| McDermott Will & Emery 600 13th Street NW Washington, DC 20005-3096 | | EXAMINER PHAM, THIERRY L | | |
| | | ART UNIT PAPER NUMBER | | |
| | | 2624 | | |

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 09/656,440 | Applicant(s) TAJIMA ET AL. | |
| | Examiner Thierry L Pham | Art Unit 2624 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on 6/29/04.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

- This action is responsive to the following communication: an Amendment filed on 6/29/04.
- Claims 1-10 are pending in application.
- The applicants have not response to the objection of title that was not descriptive as indicated by the examiner in the previous office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (U.S. 5828780), and in view of Ito et al (U.S. 5884120).

Regarding claim 1, Suzuki discloses an image processing apparatus (fig. 1) for processing a job to be given to an output device, the image processing apparatus comprising:

- a decision controller (discriminating unit, abstract, figs. 5-7, col. 7, lines 3-60) for deciding whether the image data included in the job are data within a color reproduction range of the output device or not (determining whether or not the image data is within the color reproduction range, col. 7, lines 3-60); and
- a color compression controller (linear color compression for compressing image data that is not within the reproduction range to an allowable value (range), figs. 13 and 21, col. 3, lines 30-37 and col. 6, lines 60-67), for performing a color compression process uniformly to the image data in accordance with the decision of the decision controller so as to supply the processed data to the output device.

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However, Suzuki does not explicitly disclose where a print job (i.e. image data) comprising plurality of pages and a decision controller for deciding whether plural of pages contains color image data.

Ito, in the same field of endeavor for image forming, discloses a print job comprising plurality of pages (an image data comprising plurality of pages, col. 7, lines 30-35) and a decision controller for deciding whether plural of pages contain color image data (a detection device obtains information on color on a plurality of documents to be reproduced in a sheet of paper from image data of the plurality of documents, col. 1, lines 38-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Suzuki as per teachings of Ito because of a following reason: (1) to prevent the entire color image from losing the color attractiveness due to effect by data of a few pixel data outside the color reproduction range (Suzuki, col. 2, lines 44-52); (2) to allow the system of Suzuki to process job with multiple pages.

Therefore, it would have been obvious to combine Suzuki with Ito to obtain the invention as specified in claim 1. **Please see “response to argument” section for more details.**

Regarding claim 2, Suzuki further discloses the image processing apparatus of claim 1, wherein the color compression controller determines a parameter (parameter computing section, fig. 16, col. 1, lines 5-10 and col. 2, lines 38-44) to be used for the color compression by integrating the decision result of the decision controller about the all pages.

Regarding claims 3-4, Suzuki further discloses the image processing apparatus, wherein the decision controller performs the decision for each of the sections of a color space (dividing color space into plurality of sections, col. 3, lines 7-22), and the compressing controller (determine color of each region is within the reproduction range of output device, if not, performs color reduction/compression, col. 3, lines 7-21) performs the color compression for each of the sections.

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Regarding claims 5-6, Suzuki further discloses the image processing apparatus, wherein the output device is a printer (image output device, fig. 1, col. 5, lines 35-58) for printing an image in accordance with the image data, and image data are generated by the image reader (image reader, fig. 1). However, Suzuki does not explicitly disclose wherein the image processing apparatus is built in the printer and image reader. Ito discloses the image processing apparatus is built in the printer and image reader (image data processing unit, fig. 1, fig. 3, col. 1, lines 38-58). Please see claim 1 as described above for the motivation for combining Suzuki and Ito.

Regarding claims 7-10: Claims 7-10 are the methods corresponding to the apparatus as described in claims 1-4 above (respectively). The methods are included by the operation of the apparatus. Please see rejection basis/rationale as described in claims 1-4 above.

Response to Arguments

Applicant's arguments filed 6/29/04 have been fully considered but they are not persuasive.

- Regarding claims 1 and 7, the applicants argued the cited prior arts (Suzuki and Ito) do not teach a decision controller for deciding whether or not a plural pages of image data included in a job are data within the color reproduction range of the output device.

In response, Suzuki explicitly discloses a decision controller for deciding whether an image data included in a job are data within the color reproduction range of the output device (**discriminating unit, abstract, figs. 5-7, col. 7, lines 3-60, determining whether or not the image data is within the color reproduction range, col. 7, lines 3-60, and linear color compression for compressing image data that is not within the reproduction range to an allowable value (range), figs. 13 and 21, col. 3, lines 30-37 and col. 6, lines 60-67**). Suzuki fails to clarify an image data including a plurality of pages, i.e., a print job with more than one page of data. Ito teaches an image data that includes a plurality of pages (col. 7, lines 30-35). It is also known in the art that most

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print jobs comprise a plurality of pages. For simplicity, Suzuki refers print job as image data rather than plurality of pages, and it is known in the art that image data can be in formation of pages as taught by Ito.

Conclusion

- The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) U.S. 6016359 to Komatsu, teaches an apparatus/method for determining whether the input color image data are within the reproduction range of the output device, and if not, then compressing color image data that are not within the reproduction range to be compatible of the output device. It is strongly recommended by the examiner that the applicants consider this piece of prior art.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

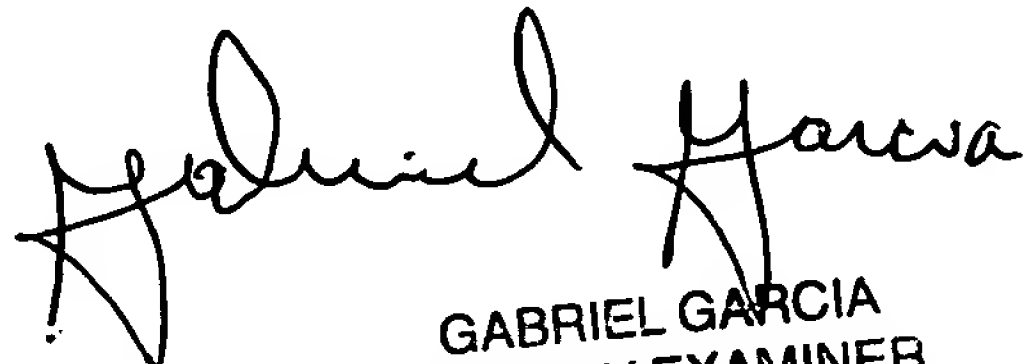
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L Pham whose telephone number is (703) 305-1897. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on (703)308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham



GABRIEL GARCIA
PRIMARY EXAMINER